

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846
Judge Thomas J. Tucker
Chapter 9

**STIPULATION FOR ENTRY OF AN ORDER
WITHDRAWING WITHOUT PREJUDICE
THE CITY OF DETROIT’S MOTION FOR
THE ENTRY OF AN ORDER ENFORCING THE BAR DATE ORDER
AND CONFIRMATION ORDER AGAINST MARK CRAIGHEAD**

The City of Detroit and Mark Craighead, by and through their undersigned attorneys, state as follows:

The City of Detroit filed its *City of Detroit’s Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order Against Mark Craighead* (Doc. No. 13803) (“Motion”) on October 27, 2023. Craighead filed his response (Doc. No. 13824) on November 20, 2023, and the City filed a reply in support (Doc. No. 13860) on December 11, 2023.

In the District Court, the City filed *The City of Detroit’s Motion to (A) Dismiss in Lieu of an Answer, and (B) Stay Lawsuit Until Bankruptcy Court Enters a Final Order on the City of Detroit’s Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order Against Mark Craighead* (the “District Court Motion”) (Case No. 23-12243, Doc. No. 17) on October 27, 2023. Craighead filed

his response (Case No. 23-12243, Doc. No. 22) on November 20, 2023, and the City filed a reply in support (Case No. 23-12243, Doc. No. 30) on December 11, 2023.

On January 24, 2024, the City and Craighead agreed to a *Stipulated Order Regarding Proceedings Related to City of Detroit's Motion to Dismiss* (“District Court Stipulation”) to be filed in the District Court. However, the District Court Stipulation does not take effect until and unless this Court approves this Stipulation, and will not be filed until and unless the Court approves this Stipulation and enters the attached proposed Order. The District Court Stipulation agrees that the City has filed this Stipulation to withdraw its Motion without prejudice in this Court, and that the City will not pursue its arguments under the Bar Date Order and the Plan of Adjustment (as those terms are described in the Motion) with respect to its District Court Motion. A copy of the District Court Stipulation is attached as **Exhibit 2**.

Accordingly, the City and Craighead respectfully stipulate to, and ask the Court to enter, the Order attached as **Exhibit 1**.

Stipulated on January 24, 2024:

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EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

City of Detroit, Michigan,
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AND CONFIRMATION ORDER AGAINST MARK CRAIGHEAD**

Upon the Stipulation of the City of Detroit and Mark Craighead; and the Court finding good cause for the entry of this Order,

IT IS HEREBY ORDERED that the Stipulation is approved and that the *City of Detroit's Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order Against Mark Craighead*, filed at Docket Number 13803, is withdrawn without prejudice.

EXHIBIT 2

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Mark Craighead,
Plaintiff,

v.

City of Detroit, Former Investigator
Barbara Simon, Former Investigator
James Fisher, Former Lieutenant Bob
Jackson, Polygraph Operator Andrew
Sims, and Other as-of-yet Unknown
Employees of the City of Detroit,
Defendants.

Civil Action No. 23-12243

Judge Judith E. Levy
Magistrate Judge Curtis Ivy, Jr.

**STIPULATED ORDER REGARDING PROCEEDINGS RELATED TO
CITY OF DETROIT’S MOTION TO DISMISS**

UPON STIPULATION of Plaintiff Mark Craighead and Defendant City of Detroit, by and through their attorneys, and the Court being fully advised in the premises, as follows:

In this Court, the City filed its *Motion to (A) Dismiss in Lieu of an Answer, and (B) Stay Lawsuit Until Bankruptcy Court Enters a Final Order on the City of Detroit’s Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order Against Mark Craighead* (the “Motion”) (ECF No. 17) on October 27, 2023. Craighead filed his response (ECF No. 22) on November 20, 2023, and the City filed a reply in support (ECF No. 30) on December 11, 2023.

In the Bankruptcy Court for the Eastern District of Michigan, on October 27, 2023, the City filed *The City of Detroit's Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order Against Mark Craighead* (the “Bankruptcy Court Motion”) (Case No. 13-53846, ECF No. 13803). Craighead filed a response (Case No. 13-53846, ECF No. 13824) on November 20, 2023, and the City filed a reply in support (Case No. 13-53846, ECF No. 13860) on December 11, 2023.

In the Bankruptcy Court Motion, the City argued that any claim Craighead might have against the City was (1) barred by an order entered in the City’s bankruptcy case requiring claims to be filed by a deadline in 2014 or be forever barred (the “Bar Date Order”) and (2) barred and discharged by the City’s confirmed Plan of Adjustment. The City made essentially the same argument in its Motion in this Court, along with additional arguments for relief.

The City and Craighead have conferred. The City and Craighead have filed a stipulation in the Bankruptcy Court to withdraw the Bankruptcy Court Motion without prejudice. The Bankruptcy Court entered an order approving the stipulation.

The City has agreed that, although it does not waive its arguments that this lawsuit should be dismissed because Plaintiff’s claims were discharged and barred by the Bar Date Order and the Plan of Adjustment (as such terms are defined in the Motion), it will no longer pursue those arguments with respect to its Motion. The

City also will no longer pursue the argument it made in its Motion that this lawsuit should be stayed pending determination of the Bankruptcy Court Motion. The City does intend to pursue all other arguments that it made in the Motion.

However, the City and Craighead agree that, should the Bankruptcy Court enter an order determining that Craighead's claims were barred, discharged, estopped, or enjoined by the Plan of Adjustment or the Bar Date Order, Craighead agrees that this Stipulation and Stipulated Order will not act as a release, defense, or bar to such Bankruptcy Court order.

Stipulated on January [**], 2024:

By: /s/ Marc N. Swanson
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IT IS HEREBY ORDERED that the above Stipulation is approved and binding upon the City of Detroit and Mark Craighead.

Date: January ____, 2024

JUDITH E. LEVY
United States District Judge